

Executive Summary – Enforcement Matter – Case No. 57579  
KD GILL LLC dba Four Corner  
RN102891819  
Docket No. 2022-0574-PST-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

A violation of a commission issued enforcement order or court order.

**Media:**

PST

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Four Corner, 22693 U.S. Highway 83 North, Paint Rock, Concho County

**Type of Operation:**

Underground storage tank ("UST") system and a convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 28, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$41,625

**Total Paid to General Revenue:** \$1,165

**Total Due to General Revenue:** \$40,460

Payment Plan: 35 payments of \$1,156 each

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 23, 2022

**Date(s) of NOE(s):** April 8, 2022

***Violation Information***

1. Failed to test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d)].

**Executive Summary – Enforcement Matter – Case No. 57579**  
**KD GILL LLC dba Four Corner**  
**RN102891819**  
**Docket No. 2022-0574-PST-E**

2. Failed to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping at least once every three years to ensure the equipment is liquid tight [30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2)].
3. Failed to inspect the overflow prevention equipment at least once every three years [30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2)].
4. Failed to monitor the USTs for releases at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), TEX. WATER CODE § 26.3475(c)(1), and TCEQ Agreed Order Docket No. 2019-0554-PST-E, Ordering Provision No. 2a.i].
5. Failed to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii), TEX. WATER CODE § 26.3475(c)(1), and TCEQ Agreed Order Docket No. 2019-0554-PST-E, Ordering Provision No. 2.a.i].
6. Failed to provide release detection for the pressurized piping associated with the underground storage tank system [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By April 21, 2022, conducted the triennial cathodic protection test with passing results; and
- b. By May 3, 2022, conducted the annual line leak detector and piping tightness testing.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Conduct the triennial testing of the spill prevention equipment and containment sumps;
  - ii. Conduct the triennial inspection of the overflow prevention equipment; and
  - iii. Implement a release detection method for all USTs at the Facility, including reconciliation of detailed inventory control records.

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**KD GILL LLC dba Four Corner**  
**RN102891819**  
**Docket No. 2022-0574-PST-E**

b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Stephanie McCurley, Enforcement Division,  
Enforcement Team 3, MC 219, (512) 239-2607; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Kuldeep Singh, Owner, Four Corner, 22693 U.S. Highway 83 North, Paint  
Rock, Texas 76866

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	11-Apr-2022	<b>Screening</b>	27-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	21-Dec-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	KD GILL LLC dba Four Corner
<b>Reg. Ent. Ref. No.</b>	RN102891819
<b>Facility/Site Region</b>	8-San Angelo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	57579	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-0574-PST-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephanie McCurley
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$35,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	20.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7,000
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Notes: Enhancement for one previous order containing a denial of liability.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$375
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$481	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$3,293	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$41,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$41,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$41,625
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<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$41,625
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**Screening Date** 27-Apr-2022

**Docket No.** 2022-0574-PST-E

**PCW**

**Respondent** KD GILL LLC dba Four Corner

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 57579

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN102891819

**Media** Petroleum Storage Tank

**Enf. Coordinator** Stephanie McCurley

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 20%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one previous order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

**Screening Date** 27-Apr-2022  
**Respondent** KD GILL LLC dba Four Corner  
**Case ID No.** 57579  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Stephanie McCurley

**Docket No.** 2022-0574-PST-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)**

30 Tex. Admin. Code § 334.49(c)(4)(C) and Tex. Water Code § 26.3475(d)

**Violation Description**

Failed to test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent did not conduct the triennial testing of the corrosion protection system by the March 13, 2022 due date.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1 39 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$3,750

One single event is recommended.

**Good Faith Efforts to Comply**

10.0%

**Reduction** \$375

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

**Notes**

The Respondent conducted the three year cathodic protection test with passing results on April 21, 2022 after the Notice of Enforcement dated April 8, 2022.

**Violation Subtotal** \$3,375

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$3

**Violation Final Penalty Total** \$4,125

**This violation Final Assessed Penalty (adjusted for limits)** \$4,125

## Economic Benefit Worksheet

**Respondent** KD GILL LLC dba Four Corner  
**Case ID No.** 57579  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	13-Mar-2022	21-Apr-2022	0.11	\$3	n/a	\$3

**Notes for DELAYED costs**

Estimated delayed cost to conduct the triennial cathodic protection test. The Date Required is the date the test was due and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$500

**TOTAL**

\$3

**Screening Date** 27-Apr-2022 **Docket No.** 2022-0574-PST-E **PCW**  
**Respondent** KD GILL LLC dba Four Corner *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 57579 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Stephanie McCurley

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 334.48(g)(1)(A)(ii) and (g)(1)(B) and Tex. Water Code § 26.3475(c)(2)

**Violation Description**  
 Failed to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping at least once every three years to ensure the equipment is liquid tight. Specifically, the Respondent did not conduct the triennial testing of the spill buckets and containment sumps by the January 1, 2021 testing due date. Also, failed to inspect the overfill prevention equipment at least once every three years. Specifically, the Respondent did not conduct the triennial inspection of the ball floats by the January 1, 2021 inspection due date.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**  
 Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**



## Economic Benefit Worksheet

**Respondent** KD GILL LLC dba Four Corner  
**Case ID No.** 57579  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$75	1-Jan-2021	5-Feb-2024	3.10	\$12	n/a	\$12
Permit Costs	\$300	1-Jan-2021	5-Feb-2024	3.10	\$46	n/a	\$46
Other (as needed)	\$300	1-Jan-2021	5-Feb-2024	3.10	\$46	n/a	\$46

**Notes for DELAYED costs**

Estimated delayed cost to conduct the triennial testing of the spill buckets (\$25 per spill bucket), the triennial inspection of the ball floats (\$100 per device), and the triennial testing of the containment sumps (\$300). The Dates Required are the testing due dates and the Final Dates are the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$675

**TOTAL** \$104

**Screening Date** 27-Apr-2022 **Docket No.** 2022-0574-PST-E **PCW**  
**Respondent** KD GILL LLC dba Four Corner *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 57579 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Stephanie McCurley

**Violation Number**

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 334.50(b)(1)(A), (b)(2), and (d)(1)(B)(ii) and 334.50(b)(2), Tex. Water Code § 26.3475(a) and (c)(1) and TCEQ Agreed Order Docket No. 2019-0554-PST-E, Ordering Provision No. 2.a.i

**Violation Description**  
 Failed to monitor the underground storage tanks ("USTs") for releases at a frequency of at least once every 30 days. Also, failed to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons. In addition, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness testing.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Eight quarterly events are recommended from the May 12, 2020 effective date of TCEQ Agreed Order Docket No. 2019-0554-PST-E to the April 27, 2022 screening date.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** KD GILL LLC dba Four Corner  
**Case ID No.** 57579  
**Reg. Ent. Reference No.** RN102891819  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$118	23-Mar-2022	3-May-2022	0.11	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$500	12-May-2020	5-Feb-2024	3.74	\$93	n/a	\$93
Other (as needed)	\$1,500	12-May-2020	5-Feb-2024	3.74	\$280	n/a	\$280

**Notes for DELAYED costs**

Estimated delayed cost to conduct the annual line leak detector and piping tightness testing (\$118). The Date Required is the investigation date and the Final Date is the date of compliance.

Estimated delayed cost to implement a method of release detection for the USTs at the Facility (\$1,500), and to effectively conduct inventory control and reconciliation on a monthly basis for all USTs at the Facility (\$500). The Dates Required are the effective date of TCEQ Agreed Order Docket No. 2019-0554-PST-E and the Final Dates are the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,118

**TOTAL**

\$374



# Compliance History Report

Compliance History Report for CN605127588, RN102891819, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605127588, KD GILL LLC	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 45.00
<b>Regulated Entity:</b>	RN102891819, Four Corner	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 45.00
<b>Complexity Points:</b>	6	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	22693 United States Highway 83 North in Paint Rock, Concho County, Texas		
<b>TCEQ Region:</b>	REGION 08 - SAN ANGELO		
<b>ID Number(s):</b>			
<b>PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 68548</b>	<b>PETROLEUM STORAGE TANK NON REGISTERED ID NUMBER R08102891819</b>		
<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b> 2022	<b>Rating Date:</b> 09/01/2022
<b>Date Compliance History Report Prepared:</b>	November 10, 2022		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	November 10, 2017 to November 10, 2022		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Stephanie McCurley	<b>Phone:</b>	(512) 239-2607

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 05/12/2020 ADMINORDER 2019-0554-PST-E (1660 Order-Agreed Order With Denial)
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(d)  
30 TAC Chapter 334, SubChapter C 334.49(c)(4)(C)
  - Description: Failed inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent had not conducted the triennial testing of the corrosion protection system.
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)  
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
  - Description: Failed to provide release detection for the pressurized piping associated with the UST system. Specifically the Respondent had not conducted the annual line leak detector and piping tightness tests.
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
  - Description: Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days.
  - Classification: Moderate
  - Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(2)  
30 TAC Chapter 334, SubChapter C 334.42(i)
  - Description: Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with a UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight.
  - Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter N 334.602(a)

Description: Failed to designate, train, and certify at least one named individual for each class of operator - Class A, Class B, and Class C for the Facility. Specifically, the Respondent did not have a Class C operator.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)

30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)

Description: Failed to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KD GILL LLC DBA FOUR CORNER  
RN102891819

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0574-PST-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding KD GILL LLC dba Four Corner (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 22693 United States Highway 83 North in Paint Rock, Concho County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted at the Facility on March 23, 2022, an investigator documented that:
  - a. The Respondent did not conduct the triennial testing of the corrosion protection system by the March 13, 2022 due date.
  - b. The Respondent did not conduct the triennial testing of the spill buckets and the containment sumps by the January 1, 2021 testing due date.

- c. The Respondent did not conduct the triennial inspection of the ball floats by the January 1, 2021 inspection due date.
  - d. The Respondent did not monitor the USTs for releases at a frequency of at least once every 30 days.
  - e. The Respondent did not conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons.
  - f. The Respondent did not conduct the annual line leak detector and piping tightness testing.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
- a. By April 21, 2022, conducted the triennial cathodic protection test with passing results; and
  - b. By May 3, 2022, conducted the annual line leak detector and piping tightness testing.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping at least once every three years to ensure the equipment is liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(A)(ii) and TEX. WATER CODE § 26.3475(c)(2).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to inspect the overflow prevention equipment at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.48(g)(1)(B) and TEX. WATER CODE § 26.3475(c)(2).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to monitor the USTs for releases at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), TEX. WATER CODE § 26.3475(c)(1), and TCEQ Agreed Order Docket No. 2019-0554-PST-E, Ordering Provision No. 2a.i.
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner

sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii), TEX. WATER CODE § 26.3475(c)(1), and TCEQ Agreed Order Docket No. 2019-0554-PST-E, Ordering Provision No. 2.a.i.

7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to provide release detection for the pressurized piping associated with the underground storage tank system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a).
8. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of \$41,625 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$1,165 of the penalty. The remaining amount of \$40,460 shall be paid in 35 monthly payments of \$1,156 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: KD GILL LLC dba Four Corner, Docket No. 2022-0574-PST-E" to:



Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order:
    - i. Conduct the triennial testing of the spill prevention equipment and containment sumps, in accordance with 30 TEX. ADMIN. CODE § 334.48;
    - ii. Conduct the triennial inspection of the overfill prevention equipment, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
    - iii. Implement a release detection method for all USTs at the Facility, including reconciliation of detailed inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager  
San Angelo Regional Office  
Texas Commission on Environmental Quality  
622 South Oakes, Suite K  
San Angelo, Texas 76903-7035

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

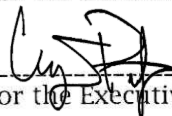
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

-----  
Date

  
-----  
For the Executive Director

8/11/2023  
-----  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
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Signature

06-24-2023  
-----  
Date

Kuldeep Singh  
-----  
Name (Printed or typed)  
Authorized Representative of  
KD GILL LLC dba Four Corner

owner  
-----  
Title

If mailing address has changed, please check this box and provide the new address below:

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.